

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SANDY J. BATTISTA,
Plaintiff,

vs.

KATHLEEN M. DENNEHY, Commissioner, et al.,
Defendant's.

)
)
)
) CIVIL ACTION
) NO.05-11456-DPW.
)

PLAINTIFF'S MOTION TO EXCLUDE THE REPORT OF
CYNTHIA S. OSBORNE, MSW, AND/OR IN THE ALTERNATIVE,
MOTION TO STRIKE


Plaintiff, Sandy J. Battista, acting pro-se in the above captioned matter, respectfully moves this Court to exclude from the record the report of [Cynthia S. Osborne, MSW], and/or in the alternative, to strike same from the record, because:

The "Report" Does Not Meet The Standard
For Admission Of Opinion Testimony Estab-
lished by the Supreme Court in Daubert vs.
Merrell Dow Pharmaceuticals, Inc., 509 U.S.
579 (1993).

The basis for this Motion is contained in the accompanying Memorandum of Law. Which is incorporated by reference herein.

Dated: November 3, 2005.

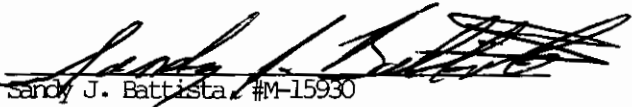
Respectfully submitted,


Sandy J. Battista, #M-15930
Plaintiff/Pro-se
Mass. Treatment Center
30 Administration Rd.
Bridgewater, Mass. 02324-3230

CERTIFICATE OF SERVICE

I, Sandy J. Battista, plaintiff in the enclosed matter, acting pro-se, hereby certify's that I have today mailed a true and accurate copy of the within filing on counsel of record for the defendant's, by hand/mail.

Dated: November 3, 2005.


Sandy J. Battista, #M-15930
Plaintiff/Pro-se